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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on 4th August, 1986:—

BILL No. 88 OF 1986

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Fifty-third Amendment) Act, 1986.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new article 371 G.

2. After article 371F of the Constitution, the following article shall be inserted, namely:—

Special provision with respect to the State of Mizoram.

"371G. Notwithstanding anything in this Constitution,—

(*a*) no Act of Parliament in respect of—

(*i*) religious or social practices of the Mizos,

(*ii*) Mizo customary law and procedure,

(*iii*) administration of civil and criminal justice involving decisions according to Mizo customary law,

(*iv*) ownership and transfer of land,

shall apply to the State of Mizoram unless the Legislative Assembly of Mizoram by a resolution so decides:

Provided that nothing in this clause shall apply to any Central Act in force in the Union territory of Mizoram immediately before the commencement of the Constitution (Fifty-third Amendment) Act, 1986;

(*b*) the Legislative Assembly of the State of Mizoram shall consist of not less than forty members.".

STATEMENT OF OBJECTS AND REASONS

On the 30th June, 1986, a Memorandum of Settlement on Mizoram was signed by the Government of India and the Government of Mizoram with the Mizo National Front which envisages among other things the conferment of statehood on the Union Territory of Mizoram subject to the other stipulations contained in the Memorandum. Paragraph 4.2 of the Memorandum provides that to give effect to the decision "all the necessary legislative and administrative measures will be undertaken, including those for the enactment of Bills for the amendment of the Constitution and other laws for the conferment of statehood as aforesaid, to come into effect on a date to be notified by the Central Government".

2. Paragraph 4.3 of the Memorandum provides as follows:--

Acts of Parliament shall not apply to the new State of Mizoram unless so decided by the Mizoram Legislature with regard to—

(*i*) religious or social practices of Mizos;

(*ii*) Mizo customary law and procedure;

(*iii*) administration of civil and criminal justice involving decisions according to Mizo customary law;

(*iv*) ownership and transfer of land.

The above provision will not, however, apply in the case of Central Acts which are in force in the Union territory of Mizoram immediately before the date on which the Constitution (Amendment) Act comes into force.

3. The Memorandum also provides that the Legislative Assembly of the proposed new State of Mizoram will consist of not less than forty members.

4. As the matters specified in paragraph 2 and 3 are peculiar to the proposed new State of Mizoram, provisions with respect thereto have to be made in the Constitution itself. This Bill accordingly seeks to amend the Constitution to provide for the aforesaid matters. A separate Bill for the establishment of the new State relatable to article 2 is also being introduced.

NEW DELHI; BUTA SINGH.

The 1st August, 1986.

BILL NO. 89 OF 1986

A Bill to provide for the establishment of the State of Mizoram and for matters connected therewith.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

PART I

PRELIMINARY

Short title.

1. This Act may be called the State of Mizoram Act, 1986.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Administrator" means the administrator appointed by the President under article 239 of the Constitution;

(*b*) "appointed day" means the day which the Central Government may, by notification in the Official Gazette, appoint;

(*c*) "article" means an article of the Constitution;

(*d*) "Election Commission" means the Election Commission appointed by the President under article 324;

(*e*) "existing Union territory of Mizoram" means the Union territory of Mizoram as existing immediately before the appointed day;

(*f*) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having, immediately before the appointed day, the force of law in the whole or any part of the existing Union territory of Mizoram;

(*g*) "sitting member", in relation to either House of Parliament or of the Legislative Assembly of the existing Union territory of Mizoram, means a person who, immediately before the appointed day, is a member of that House or that Assembly;

(*h*) "treasury" includes a sub-treasury.

PART II

ESTABLISHMENT OF THE STATE OF MIZORAM

Establishment of the State of Mizoram.

3. On and from the appointed day, there shall be established a new State, to be known as the State of Mizoram, comprising the territories which immediately before that day were comprised in the existing Union territory of Mizoram.

Amendment of First Schedule to the Constitution.

4. On and from the appointed day, in the First Schedule to the Constitution,—

(*a*) under the heading "I. THE STATES", after entry 22, the following entry shall be inserted, namely:—

"23. Mizoram The territories specified in section 6 of the North-Eastern Areas (Reorganisation) Act, 1971.";

(*b*) under the heading "II. THE UNION TERRITORIES", entry 8 relating to Mizoram shall be omitted and entry 9 shall be re-numbered as entry 8.

PART III

REPRESENTATION IN THE LEGISLATURES

The Council of States

Amendment of Fourth Schedule to the Constitution.

5. On and from the appointed day, in the Fourth Schedule to the Constitution, in the Table,—

(*a*) entries 23 and 24 shall be re-numbered as entries 24 and 25 respectively, and before entry 24 as so re-numbered, the following entry shall be inserted, namely:—

"23. Mizoram 1";

(*b*) entry 25 shall be omitted.

Allocation of sitting member.

6. (*1*) On and from the appointed day, the sitting member of the Council of States representing the existing Union territory of Mizoram shall be deemed to have been duly elected under clause (4) of article 80 to fill the seat allotted to the State of Mizoram in that Council.

(2) The term of office of such sitting member shall remain unaltered.

Amendment of section 27A of Act 43 of 1950.

7. On and from the appointed day, in section 27A of the Representation of the People Act, 1950, in sub-section (4), the word ", Mizoram" shall be omitted.

The House of the People

Allocation of seat in the existing House of the People.

8. (1) On and from the appointed day, the allocation of seats to the State of Mizoram in the House of the People and the number of seats to be reserved for the Scheduled Tribes of that State shall be one; and the First Schedule to the Representation of the People Act, 1950, shall be deemed to be amended, accordingly. 43 of 1950.

(2) On and from the appointed day, the parliamentary constituency of the existing Union territory of Mizoram shall be deemed to be the parliamentary constituency of the State of Mizoram and the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, shall be construed accordingly.

Provision as to sitting member.

9. The sitting member of the House of the People representing the constituency which, on the appointed day, by virtue of the provisions of section 8 becomes the constituency of the State of Mizoram, shall be deemed to have been elected under sub-clause (*a*) of clause (1) of article 81 to the House of the People by that constituency.

The Legislative Assembly

Provision as to Legislative Assembly.

10. On and from the appointed day, the total number of seats in the Legislative Assembly of the State of Mizoram to be filled by persons, chosen by direct election from assembly constituencies shall be forty; and the Second Schedule to the Representation of the People Act, 1950, shall be deemed to be amended accordingly. 43 of 1950.

Delimitation of constituencies.

11. (1) The Election Commission shall, before the appointed day, and in the manner herein provided, distribute the seats assigned to the Legislative Assembly of the State of Mizoram under section 10 to single-member territorial constituencies and delimit them, having regard to the provisions of the constitution and to the following provisions, namely:—

(*a*) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience; and

(*b*) constituencies in which seats are reserved for the Scheduled Tribes shall as far as practicable be located in areas where the proportion of their population to the total population is the largest.

(2) For the purpose of assisting it in the performance of its functions under sub-section (1) the Election Commission shall associate with itself as associate members,—

(*a*) the sitting member of the House of the People referred to in section 9; and

(*b*) such six of the members of the Legislative Assembly of the existing Union territory of Mizoram as the Speaker thereof may nominate:

Provided that none of the associate members shall have a right to vote or to sign any decision of the Election Commission.

(*3*) If owing to death or resignation, the office of an associate member falls vacant, it shall be filled, if practicable, in accordance with the provisions of sub-section (*2*).

(*4*) The Election Commission shall—

(*a*) publish its proposals for the delimitation of constituencies together with the dissenting proposals, if any, of any associate member who desires publication thereof, in the Official Gazette and in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

(*b*) consider all objections and suggestions which may have been received by it before the date so specified;

(*c*) after considering all objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of constituencies and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

(*5*) As soon as may be after such publication, every such order relating to assembly constituencies shall be laid before the Legislative Assembly of the existing Union territory of Mizoram.

Power of Election Commission to maintain delimitation orders up-to-date.

12. (*1*) The Election Commission may, from time to time, by notification in the Official Gazette,—

(*a*) correct any printing mistake in any order made under section 11 or any error arising therein from inadvertent slip or omission;

(*b*) where the boundaries or name of any territorial division mentioned in any such order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(*2*) Every notification under this section relating to an assembly constituency shall be laid, as soon as may be after it is issued, before the Legislative Assembly of the existing Union territory of Mizoram.

Amendment of Scheduled Castes Orders.

13. (*1*) On and from the appointed day, the Constitution (Scheduled Castes) Order, 1950, shall stand amended as directed in the First Schedule.

(2) On and from the appointed day, the Constitution (Scheduled Castes) (Union Territories) Order, 1951, shall stand amended as directed in the Second Schedule.

Amendment of Scheduled Tribes Orders.

14. (1) On and from the appointed day, the Constitution (Scheduled Tribes) Order, 1950, shall stand amended as directed in the Third Schedule.

(2) On and from the appointed day, the Constitution (Scheduled Tribes) (Union Territories) Order, 1951, shall stand amended as directed in the Fourth Schedule.

PART IV

HIGH COURT

Common High Court for Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram.

15. (1) On and from the appointed day,—

(a) there shall be a common High Court for the States of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram to be called the Gauhati High Court (the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram) (hereinafter referred to as the common High Court);

(b) the Judges of the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura holding office immediately before that day shall, unless they have elected otherwise, become on that day the Judges of the common High Court.

(2) The expenditure in respect of the salaries and allowances of the Judges of the common High Court shall be allocated amongst the States of Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura and the Union in such proportion as the President may, by order, determine.

Provision as to advocates.

16. (1) On and from the appointed day,—

(a) in the Advocates Act, 1961, in section 3, in sub-section (1), for clause (b), the following clause shall be substituted, namely:— 25 of 1961.

"(b) for the States of Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura and the Union territory of Arunachal Pradesh, to be known as the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram;";

(b) the Bar Council of Assam, Nagaland, Meghalaya, Manipur and Tripura shall be deemed to be the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram.

(2) Any person who, immediately before the appointed day, is an advocate entitled to practise in the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura, shall be entitled to practise as an advocate in the common High Court.

(3) All persons who, immediately before the appointed day, are advocates on the roll of the Bar Council of Assam, Nagaland, Meghalaya, Manipur and Tripura, shall as from that day, become advocates on the roll of the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram.

(4) The right of audience in the common High Court shall be regulated in accordance with the like principles as, immediately before the appointed day, are in force with respect to the right of audience in the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura:

Provided that as among the Advocates-General of the States of Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura, the right of audience shall be determined with reference to their dates of enrolment as advocates.

Practice and procedure in the common High Court.

17. Subject to the provisions of this Part, the law in force immediately before the appointed day with respect to practice and procedure in the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura shall, with the necessary modifications, apply in relation to the common High Court.

Custody of seal of the common High Court.

18. The law in force immediately before the appointed day with respect to the custody of the Seal of the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura shall, with the necessary modifications, apply with respect to the custody of the seal of the common High Court.

Form of writs and other processes.

19. The law in force immediately before the appointed day with respect to the form of writs and other processes used, issued or awarded by the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura shall, with necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the common High Court.

Powers of Judges.

20. The law in force immediately before the appointed day with respect to the powers of the Chief Justice, single Judges and division courts of the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura and with respect to all matter, ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the common High Court.

Principal seat and other places of sitting of the common High Court.

21. (1) The principal seat of the common High Court shall be at the same place at which the principal seat of the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura is located immediately before the appointed day.

(2) The President may, by notified order, provide for the establishment of a permanent bench or benches of the common High Court at one or more places within the territories to which the jurisdiction of the High Court extends, other than the principal seat of the High Court, and for any matters connected therewith.

Provided that before issuing any order under this sub-section, the President shall consult the Chief Justice of the common High Court and the Governor of the State in which the bench or benches is or are proposed to be established.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Judges and division courts of the common High Court may also sit at such other place or places in the States of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram as the Chief Justice may, with the approval of the Governor of the State concerned, appoint.

Procedure as to appeals to Supreme Court.

22. The law in force immediately before the appointed day relating to appeals to the Supreme Court from the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura and the Judges and division courts thereof shall, with the necessary modifications, apply in relation to the common High Court.

Transfer of proceedings from the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura to the common High Court.

23. (*1*) All proceedings pending in the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura immediately before the appointed day shall, from such day, stand transferred to the common High Court.

(*2*) Every proceeding transferred under sub-section (*1*) shall be disposed of by the common High Court as if such proceeding was entertained by that High Court.

Interpretation.

24. For the purposes of section 23,—

(*a*) proceedings shall be deemed to be pending in a court until that court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs; and

(*b*) references to a High Court shall be construed as including references to a Judge or division court thereof; and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that court or Judge.

Right to appear or to act in proceedings transferred to the common High Court.

25. Any person who, immediately before the appointed day, is an advocate entitled to practise in the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura and was authorised to appear or to act in any proceedings transferred from the said High Court to the common High Court under section 23 shall have the right to appear or to act, as the case may be, in the common High Court in relation to those proceedings.

Saving.

26. Nothing in this Part shall affect the application to the common High Court of any provisions of the Constitution, and this Part shall have effect subject to any provision that may be made on or after the appointed day with respect to that High Court by any Legislature or other authority having power to make such provisions.

PART V

AUTHORISATION OF EXPENDITURE AND DISTRIBUTION OF REVENUES

Authorisation of

27. (*1*) The President may, at any time before the appointed day, authorise by order such expenditure from the Consolidated Fund of the

State of Mizoram as he deems necessary for a period of not more than six months beginning with the appointed day, pending the sanction of such expenditure by the Legislative Assembly of the State of Mizoram: Expenditure pending its sanction by the Legislature.

Provided that the Governor of Mizoram may, after the appointed day, authorise by order such further expenditure as he deems necessary from the Consolidated Fund of the State of Mizoram for any period not extending beyond the said period of six months.

(2) The President or, as the case may be, the Governor of Mizoram shall make separate orders under sub-section (1) in respect of periods falling in different financial years.

Reports relating to the accounts of the existing Union territory of Mizoram.

28. (1) The reports of the Comptroller and Auditor-General of India referred to in section 49 of the Government of Union Territories Act, 1963, relating to the accounts of the existing Union territory of Mizoram in respect of any period prior to the appointed day, shall be submitted to the Governor of Mizoram who shall cause them to be laid before the Legislative Assembly of the State.

20 of 1963.

(2) The Government may, by order,—

(a) declare any expenditure incurred out of the Consolidated Fund of the existing Union territory of Mizoram on any service in respect of any period prior to the appointed day during the financial year 1986-87 or in respect of any earlier financial year in excess of the amount granted for that service and for that year as disclosed in the reports referred to in sub-section (1) to have been duly authorised, and

(b) provide for any action to be taken on any matter arising out of the said reports.

Allowances and privileges of Governor of Mizoram.

29. The allowances and privileges of the Governor of Mizoram shall, until provision in that behalf is made by Parliament by law under clause (3) of article 158, be such as the President may, by order, determine.

Distribution of revenues.

30. The President shall, by order, determine the grants-in-aid of the revenues of the State of Mizoram and the share of that State in the Union duties of excise, estate duty and taxes on income and for that purpose amend thereby the relevant provisions of the Additional Duties of Excise (Goods of Special Importance) Act, 1957, the Union Duties of Excise (Distribution) Act, 1979, the Estate Duty (Distribution) Act, 1962 and the Constitution (Distribution of Revenues) Order, 1985 in such manner as he thinks fit.

58 of 1957.
24 of 1979.
9 of 1962.

PART VI

ASSETS AND LIABILITIES

Property, assets, rights, liabilities, obligations, etc,

31. (1) All such property and assets within the existing Union territory of Mizoram as are held immediately before the appointed day by the Union for purposes of governance of that Union territory shall, on and from that day, pass to the State of Mizoram unless the purposes for which such property and assets are so held are Union purposes;

Provided that the cash balances in the treasuries in the Union territory of Mizoram before the appointed day shall, as from that day, vest in the State of Mizoram.

(2) All rights, liabilities and obligations (other than those relatable to, or in connection with, a Union purpose), whether arising out of any contract or otherwise, which are, immediately before the appointed day,—

(a) the rights, liabilities and obligations of the Central Government arising out of, or in connection with, the governance of the Union territory of Mizoram; or

(b) the rights, liabilities and obligations of the Administrator of the existing Union territory of Mizoram in his capacity as such, or of the Government of that Union territory,

shall, on and from the appointed day, be the rights, liabilities and obligations of the Government of the State of Mizoram.

(3) The right to recover arrears of -

(a) any tax or duty being a tax or duty enumerated in the State List in the Seventh Schedule to the Constitution; or

(b) any duty referred to in article 268; or

(c) any tax under the Central Sales Tax Act, 1956, 74 of 1956.

which have fallen due in the existing Union territory of Mizoram shall pass to the State of Mizoram.

(4) The provisions of this section shall not apply to or in relation to,—

(a) any institution, undertaking or project the expenditure in relation to which is immediately before the appointed day, met from and out of the Consolidated Fund of India:

(b) any property which has been placed by the Union at the disposal of the administration of the existing Union territory of Mizoram subject to the condition that the ownership thereof will continue to vest in the Union.

Explanation.—For the purposes of this section—

(a) "liability" includes liability in respect of any civil deposit, local fund deposit, charitable or other endowment, provident fund account, pension or actionable wrong;

(b) "Union purposes" means the purposes of Government relatable to any of the matters mentioned in the Union List.

PART VII

PROVISIONS AS TO SERVICES

Provision relating to All India Services.

32. Every member of the Indian Administrative Service, the Indian Police Service and the Indian Forest Service who, immediately before the appointed day, is holding any post in the existing Union territory of Mizoram shall, until otherwise directed by the Central Government, be deemed to be on deputation, on and from the appointed day, to the Government of the State of Mizoram on the same terms and conditions of service as are applicable to him under the relevant cadre rules;

Provided that the period of such deputation shall in no case extend beyond a period of three years from the appointed day.

Explanation.—In this section, "cadre rules" means the Indian Administrative Service (Cadre) Rules, 1954, the Indian Police Service (Cadre) Rules, 1954 or the Indian Forest Service (Cadre) Rules, 1966, as the case may be.

Provisions relating to other services.

33. (*1*) Every person who immediately before the appointed day is serving in connection with the affairs of the Union under the administrative control of the Administrator of the Union territory of Mizoram shall, unless otherwise directed by an order of the Central Government, be deemed to have been allocated for service as from that day in connection with the affairs of the State of Mizoram:

Provided that no directions shall be issued under this section after the expiry of a period of one year from the appointed day.

(*2*) The provisions of this section shall not apply in relation to persons to whom the provisions of section 32 apply.

Other provisions as to services.

34. (*1*) Nothing in this section or section 33 shall be deemed to affect on or after the appointed day the operations of the provisions of Chapter I of Part XIV of the Constitution in relation to determination of the conditions of service of persons serving in connection with the affairs of the State of Mizoram:

Provided that the conditions of service applicable immediately before the appointed day in the case of any person referred to in section 33 shall not be varied to his disadvantage except with the previous approval of the Central Government.

(*2*) All services prior to the appointed day rendered by a person deemed to have been allocated under section 33 in connection with the administration of the Union territory of Mizoram, shall be deemed to have been rendered in connection with the affairs of the State of Mizoram for the purposes of the rules regulating his conditions of service.

Provisions as to continuance of officers in same posts.

35. Every person who, immediately before the appointed day, is holding or discharging the duties of any post or office in connection with the affairs of the Union territory of Mizoram shall continue to hold the same post or office and shall be deemed, on and from that day, to have been duly appointed to the post or office by the Government of, or other appropriate authority in, the State of Mizoram on the same terms and conditions of appointment and on the same tenure as he was holding the post or office immediately before that day:

Provided that nothing in this section shall be deemed to prevent a competent authority on or after the appointed day from passing in relation to such person any order affecting his continuance in such post or office.

Advisory Committees.

36. The Central Government may, by order, establish one or more Advisory Committees for the purpose of assisting it in regard to—

(*a*) the discharge of its functions under this Part; and

(*b*) the ensuring of fair and equitable treatment to all persons affected by the provisions of this Part and the proper consideration of any representations made by such persons.

Prohibition of representation after certain period.

37. Notwithstanding anything to the contrary contained in any law or rule for the time being in force, no representation shall lie against any order passed under the provisions of this Part on the expiry of three months from the date of publication or service, whichever is earlier, of such order:

Provided that the Central Government may, *suo motu* or otherwise and for reasons to be recorded, re-open any matter and pass such orders thereon as may appear to it to be appropriate if it is satisfied that it is necessary so to do in order to prevent any miscarriage of justice to any affected person.

Power of Central Government to give directions.

38. The Central Government may give such directions to the Government of the State of Mizoram as may appear to it to be necessary for the purpose of giving effect to the foregoing provisions of this Part and the State Government shall comply with such directions.

PART VIII

LEGAL AND MISCELLANEOUS PROVISIONS

Amendment of article 210, article 239A, article 240, article 244, the Fifth Schedule and the Sixth Schedule to the Constitution.

39. On and from the appointed day—

(a) in article 210, in clause (2), after the proviso, the following proviso shall be inserted, namely:—

'Provided further that in relation to the Legislature of the State of Mizoram, this clause shall have effect as if for the words "fifteen years" occurring therein, the words "forty years" were substituted.';

(b) in article 239A, in clause (1), the word ", Mizoram" shall be omitted;

(c) in article 240, in clause (1),—

(*i*) entry (*f*) shall be omitted;

(*ii*) in the provisos, the word ", Mizoram" shall be omitted;

(d) in article 244,—

(*i*) in clause (1), for the words "Meghalaya and Tripura", the words "Meghalaya, Tripura and Mizoram" shall be substituted;

(*ii*) in clause (2), for the words "Meghalaya and Tripura and the Union territory of Mizoram", the words "Meghalaya, Tripura and Mizoram" shall be substituted;

(e) in the Fifth Schedule, in paragraph 1, for the words "Meghalaya and Tripura", the words "Meghalaya, Tripura and Mizoram" shall be substituted;

(f) in the Sixth Schedule,—

(*i*) in the heading, for the words "the States of Assam, Meghalaya and Tripura and in the Union territory of Mizoram", the words "the States of Assam, Meghalaya, Tripura and Mizoram" shall be substituted;

(*ii*) in paragraph 12B, for the words "Union territory", wherever they occur, the word "State" shall be substituted;

(*iii*) in paragraph 17, after the words "or Tripura", at both the places where they occur, the words "or Mizoram" shall be inserted;

(*iv*) in paragraph 20, in sub-paragraph (1), for the words "Union territory", the word "State" shall be substituted.

Amendment of Act 28 of 1958.

40. On and from the appointed day, in the Armed Forces (Special Powers) Act, 1958, in the long title and in sub-section (*2*) of section 1, for the words "Meghalaya, Nagaland and Tripura and the Union territories of Arunachal Pradesh and Mizoram", the words "Meghalaya, Mizoram, Nagaland and Tripura and the Union territory of Arunachal Pradesh" shall be substituted.

Amendment of Act 20 of 1963.

41. On and from the appointed day, in the Government of Union Territories Act, 1963,—

(*i*) in clause (*h*) of sub-section (*1*) of section 2, the words ", Mizoram" shall be omitted;

(*ii*) in section 33, in the proviso to sub-section (*2*), for the words "the Legislative Assemblies of the Union territories of Arunachal Pradesh and Mizoram", the words "the Legislative Assembly of the Union territory of Arunachal Pradesh" shall be substituted;

(*iii*) in section 44,—

(*a*) the second proviso to sub-section (*1*) shall be omitted;

(*b*) in sub-section (*2*), for the words "each of the Union territories of Arunachal Pradesh and Mizoram", the words "the Union territory of Arunachal Pradesh" shall be substituted.

Amendment of Act 84 of 1971.

42. On and from the appointed day, in the North-Eastern Council Act, 1971,—

(*a*) in section 2, for clauses (*b*) and (*c*), the following clauses shall be substituted, namely:—

'(*b*) "north-eastern area" means the area comprising the States of Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura and the Union territory of Arunachal Pradesh;

(*c*) "State" includes the Union territory of Arunachal Pradesh.';

(*b*) for clause (*b*) of sub-section (*1*) of section 3, the following clause shall be substituted, namely:—

"(*b*) the Chief Ministers of the States of Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura and of the Union territory of Arunachal Pradesh;".

Continuance of existing laws and their adaptations.

43. (*1*) All laws in force, immediately before the appointed day, in the existing Union territory of Mizoram shall continue to be in force in the State of Mizoram until altered, repealed or amended by a competent Legislature or other competent authority.

(*2*) For the purpose of facilitating the application in relation to the State of Mizoram of any law made before the appointed day, the appropriate Government may, within two years from that day, by order, make

such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

Explanation.—In this section, the expression "appropriate Government" means, as respects any law relating to a matter enumerated in the Union List in the Seventh Schedule to the Constitution, the Central Government, and as respects any other law, the Government of the State of Mizoram.

Power to construe laws.

44. Notwithstanding that no provision or insufficient provision has been made under section 43 for the adaptation of a law made before the appointed day, any court, tribunal or authority required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Mizoram, construe the law in such manner not affecting the substance as may be necessary or proper in regard to the matter before the court, tribunal or authority, as the case may be.

Provisions as to continuance of courts, etc.

45. All courts and tribunals and all authorities discharging lawful functions throughout the existing Union territory of Mizoram or any part thereof immediately before the appointed day shall, unless their continuance is inconsistent with the provisions of this Act or until other provision is made by a competent legislature or other competent authority, continue to exercise their respective functions.

Effect of provisions of Act inconsistent with other laws.

46. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Power to remove difficulties.

47. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the President may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty.

(*2*) Every order made under this section shall be laid before each House of Parliament.

Power to make rules.

48. (*1*) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(*2*) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE FIRST SCHEDULE

[*See* section 13 (*1*)]

AMENDMENTS TO THE CONSTITUTION (SCHEDULED CASTES) ORDER, 1950

In the Constitution (Scheduled Castes) Order, 1950,—

(1) In paragraph 2, for the figures "XIX", the figures "XX" shall be substituted;

(2) In the Schedule, after Part XIX, the following Part shall be inserted, namely:—

"PART XX.—*Mizoram*

1. Bansphor
2. Bhuinmali or Mali
3. Brittial-Bania or Bania
4. Dhupi or Dhobi
5. Dugla or Dholi
6. Hira
7. Jalkeot
8. Jhalo, Malo or Jhalo-Malo
9. Kaibartta or Jaliya
10. Lalbegi
11. Mahara
12. Mehtar or Bhangi
13. Muchi or Rishi
14. Namasudra
15. Patni
16. Sutradhar.".

THE SECOND SCHEDULE

[*See* section 13 (*2*)]

AMENDMENTS TO THE CONSTITUTION (SCHEDULED CASTES) (UNION TERRITORIES) ORDER, 1951

In the Constitution (Scheduled Castes) (Union Territories) Order, 1951,—

(1) In paragraph 2, for the words and figures "Parts I to IV", the words and figures "Parts I to III" shall be substituted;

(2) In paragraph 4, for the words and figures "Parts III and IV", the word and figures "Part III" shall be substituted;

(3) In the Schedule, PART III.—*Mizoram* shall be omitted and Part IV shall be renumbered as Part III.

THE THIRD SCHEDULE

[*See* section 14(*1*)]

AMENDMENTS TO THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950

In the Constitution (Scheduled Tribes) Order, 1950,—

(1) In paragraph 2, for the figures "XVI", the figures "XVII" shall be substituted;

(2) In the Schedule, after Part XVI, the following Part shall be inserted, namely:—

"PART XVII.—*Mizoram*

1. Chakma
2. Dimasa (Kachari)
3. Garo
4. Hajong
5. Hmar
6. Khasi and Jaintia (including Khasi, Synteng or Pnar, War, Bhoi or Lyngngam)
7. Any Kuki tribes, including,—
 (*i*) Baite or Biete
 (*ii*) Changsan
 (*iii*) Chongloi
 (*iv*) Doungel
 (*v*) Gamalhou
 (*vi*) Gangte
 (*vii*) Guite
 (*viii*) Hanneng
 (*ix*) Haokip or Haupit
 (*x*) Haolai
 (*xi*) Hengna
 (*xii*) Hongsungh
 (*xiii*) Hrangkhwal or Hangkhol
 (*xiv*) Jongbe
 (*xv*) Khawchung
 (*xvi*) Khawathlang or Khothalong
 (*xvii*) Khelma
 (*xviii*) Kholhou
 (*xix*) Kipgen
 (*xx*) Kuki
 (*xxi*) Lengthang
 (*xxii*) Lhangum
 (*xxiii*) Lhoujem

(*xxiv*) Lhouvun
(*xxv*) Lupheng
(*xxvi*) Mangjel
(*xxvii*) Missao
(*xxviii*) Riang
(*xxix*) Sairhem
(*xxx*) Selnam
(*xxxi*) Singson
(*xxxii*) Sitlhou
(*xxxiii*) Sukte
(*xxxiv*) Thado
(*xxxv*) Thangngeu
(*xxxvi*) Uibuh
(*xxxvii*) Vaiphei

8. Lakher

9. Man (Tai-Speaking)

10. Any Mizo (Lushai) tribes

11. Mikir

12. Any Naga tribes

13. Pawi

14. Synteng.".

THE FOURTH SCHEDULE

[*See* section 14(2)]

AMENDMENTS TO THE CONSTITUTION (SCHEDULED TRIBES) (UNION TERRITORIES) ORDER, 1951

In the Constitution (Scheduled Tribes) (Union Territories) Order, 1951,—

(1) In paragraph 2, for the words and figures "Parts I to III", the words and figures "Parts I and II" shall be substituted;

(2) In paragraph 3, for the words and figures "Parts II and III", the word and figures "Part II" shall be substituted;

(3) In the Schedule Part II shall be omitted and Part III shall be renumbered as Part II.

STATEMENT OF OBJECTS AND REASONS

The Memorandum of Settlement on Mizoram envisages that with a view to satisfying the desires and aspirations of all sections of the people of Mizoram, Government will undertake legislative measures to confer Statehood on the Union territory of Mizoram which will come into effect on a date to be notified by the Central Government. This Bill is intended to give effect to this undertaking. It seeks to establish a new State of Mizoram comprising the territories of the existing Union territory of Mizoram and makes the necessary supplemental, incidental and consequential provisions.

2. The Notes on clauses explain in detail the provisions of the Bill.

NEW DELHI; BUTA SINGH.
The 1st August, 1986.

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND 274 OF THE CONSTITUTION OF INDIA

[Copy of letter No. S-12013|2|86-SR, dated the 2nd August, 1986 from Shri Buta Singh, Minister of Home Affairs to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the Bill to provide for establishment of the State of Mizoram and for matters connected therewith, recommends the introduction of the Bill in Lok Sabha under articles 117(1) and 274(1) of the Constitution and the consideration of the Bill in Lok Sabha under article 117(3) of the Constitution.

Notes on clauses

Clauses 3 *and* 4.—Clause 3 provides for the establishment of the new State of Mizoram while clause 4 makes necessary consequential amendments in the First Schedule to the Constitution.

Clauses 5 *and* 6.—These clauses deal with the representation of Mizoram in the Council of States. At present there is one seat in the said Council for the Union territory of Mizoram. It is proposed to continue this representation for the new State also. The sitting Member from Mizoram in the Council of States will be deemed to be duly elected and will represent the new State for the unexpired term.

Clause 7.—The amendment is of a consequential nature.

Clauses 8 *and* 9.—These clauses deal with representation of Mizoram in the House of the People. At present there is one seat in the House of the People for the Union territory of Mizoram. It is proposed to continue this representation for the new State also. The sitting Member from Mizoram in the House of the People will be deemed to have been duly elected and will represent the new State.

Clause 10.—This clause provides that the number of seats in the Legislative Assembly of the State of Mizoram to be filled by persons by direct election shall be 40.

Clauses 11 *and* 12.—These clauses provide for Delimitation of the Assembly Constituencies by the Election Commission according to the procedure generally followed by the Delimitation Commission.

Clauses 13 *and* 14 *and the Schedules.*—These seek to make the necessary consequential amendments in the Constitution (Scheduled Castes) Order, 1950, the Constitution (Scheduled Castes) (Union Territories) Order, 1951, the Constitution (Scheduled Tribes) Order, 1950 and the Constitution (Scheduled Tribes) (Union Territories) Order, 1951.

Clauses 15 *to* 26.—At present the jurisdiction of the common High Court for the States of Assam, Nagaland, Meghalaya, Manipur and Tripura, called the Gauhati High Court extends to the Union territory of Mizoram. Clause 15 provides for common High Court for the States of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram to be called the Gauhati High Court. The detailed provisions contained in other clauses follow broadly the relevant provisions of the previous Reorganisation Acts and deal *inter alia* with the powers, functions and the procedure to be followed by the new common High Court.

Clauses 27 *to* 30.—These clauses deal with authorisation of expenditure and distribution of revenues. As it will take some time for the new State to prepare its budget and have it approved by the State Legislature, provision has been made in clause 27 that before the new State comes into existence, the President may, by order, authorise expenditure from the Consolidated Fund of the State for a period of six months. Thereafter the power will be exercised by the Governor. Provision has been

made in clause 29 to enable the President to determine the allowances and privileges of the Governor of the new State. Clause 30 empowers the President to determine by order the grants-in-aid to the new State and its share of Central Taxes.

Clause 31.—This clause relates to transfer of property, assets, rights, liabilities and obligations to the new State. This clause provides that all properties and other assets in the Union territory of Mizoram which are at present held for purposes of governance of the Union territory and which are not properties or assets held for Union purposes shall vest in the new State along with the cash balances in the treasuries in the Union territory. Under this clause, all rights, liabilities and other obligations arising out of, or in connection with the governance of the Union territory excluding those relatable to the Union purposes become the rights, liabilities and obligations of the new State. However, institutions, undertakings or projects financed at present out of the Consolidated Fund of India and properties of the Central Government placed at the disposal of the Government of Mizoram will not be transferred to the new State [*vide* clause 31(4)]. It is not proposed to transfer any debt liability to the new State on account of the capital outlay made by the Central Government on the properties which become vested in the new State under the provisions of this clause.

Clauses 32 *to* 38.—Clause 32 provides for the officers of the Indian Administrative Service, Indian Police Service and the Indian Forest Service serving in the Union territory at present, being deemed to be on deputation on and from the appointed day to the Government of the State of Mizoram on the same terms and conditions of service as are applicable under the relevant Cadre Rules, the period of such deputation not extending beyond a period of three years from the appointed day in any case. Clauses 34 and 35 are on the same lines as corresponding provisions of the previous Reorganisation Acts. Clause 36 provides for the establishment of one or more Advisory Committees by the Central Government for the purpose of assisting it in regard to the discharge of its functions relating to provisions as to services and for ensuring a fair and equitable treatment to all persons so affected. Clause 37 prohibits representation against orders passed under the provisions of Part VI after a certain period. Clause 38 empowers the Central Government to give directions to the new State for the purpose of giving effect to the various provisions relating to services.

Clauses 39 *to* 42.—These clauses make consequential amendments in article 210 (relating to language to be used in the Legislature), article 239A (creation of local Legislature or Council of Ministers or both for certain Union territories), article 240 (power of President to make regulations for certain Union territories), article 244 (administration of Scheduled Areas and Tribal Areas), the Fifth Schedule and the Sixth Schedule to the Constitution. The consequential amendments also include amendments in the Armed Forces (Special Powers) Act, 1958, the Government of Union Territories Act, 1963 and the North-Eastern Council Act, 1971.

Clauses 43 *to* 48.—These clauses make the usual provisions regarding the continuance of existing laws and adaptations of those laws and their interpretation by courts, etc. These provisions follow the corresponding provisions of the previous Reorganisation Acts.

FINANCIAL MEMORANDUM

Clause 11 of the Bill seeks to empower the Election Commission of India to delimit the assembly constituencies of the new State of Mizoram. For this purpose, non-recurring expenditure of about Rs. 50,000 will have to be incurred. This expenditure will be met from the Consolidated Fund of India.

2. According to the Budget estimates of Mizoram for the current year, the domestic revenue receipts of the Union territory are Rs. 5.65 crores while the non-plan expenditure on revenue account is Rs. 91.73 crores. The gap is met by the grant-in-aid given by the Central Government. As a State, Mizoram will be entitled to a share in the Central taxes which will be determined in pursuance of clause 30 of the Bill. This would augment the State's revenue to the extent of Rs. 5.17 crores on the basis of current year's estimates, leaving a non-plan revenue deficit of Rs. 80.91 crores. In the past, the Finance Commission had taken note of such deficits and recommended suitable grants-in-aid under article 275(1) of the Constitution. It is, therefore, proposed to provide for such quantum of grant-in-aid to the new State as may be considered necessary until the recommendations of the next Finance Commission become available, by suitably amending the provisions of the Constitution (Distribution of Revenues) Order, 1965 in exercise of the powers sought to be taken in clause 30 of the Bill.

3. Clause 36 of the Bill seeks to empower the Central Government to establish one or more Advisory Committees for the purpose of assisting it in regard to the discharge of its functions in relation to allocation of members of the services and the ensuring of fair and equitable treatment to all persons affected. Some expenditure not exceeding Rs. 5,000 may have to be incurred out of the Consolidated Fund of India on account of travelling allowance of members of the Committee.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 29 of the Bill enables the President to determine by order the allowances and privileges of the Governor of the new State.

2. Clause 30 of the Bill empowers the President to determine by order the grant-in-aid to the new State and its share of Central taxes and amend for that purpose the relevant provisions of the Additional Duties of Excise (Goods of Special Importance) Act, 1957, the Union Duties of Excise (Distribution) Act, 1979, the Estate Duty (Distribution) Act, 1962, and the Constitution (Distribution of Revenue) Order, 1985.

3. Clause 43 provides for the adaptation of existing laws to facilitate their application to the new State. The power to adapt is being conferred on the Central Government in the case of laws relating to matters enumerated in the Union List in the Seventh Schedule to the Constitution and on the Government of the new State in the case of all other laws.

4. Clause 48 of the Bill empowers the Central Government to make rules to give effect to the provisions of the Bill when enacted. The rules, if any, will be confined to matters of procedure and other matters of minor detail relating to the enforcement of the various provisions included in the Bill.

5. The various provisions aforementioned are modelled on identical or analogous provisions in the State Reorganisation Acts passed by Parliament earlier. Besides, they are mainly of a consequential nature or pertain to matters of detail and procedure. As such the proposed delegation of legislative powers is of a normal character.

SUBHASH C. KASHYAP,
Secretary-General.

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